

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
June 25, 2013 - 9:00 A.M.

PRESENT: COMMISSIONER DOUG WITNEY, CHAIR
COMMISSIONER GARY J. ANDERSON, VICE-CHAIR
COMMISSIONER LARRY A. ELLERTSON

ALSO PRESENT:

David Shawcroft, Utah County Deputy Attorney
Robert J. Moore, Utah County Deputy Attorney
Paul Jones, Utah County Deputy Attorney
Scott C. Hogensen, Chief Deputy Clerk/Auditor
Kris Poulson, Utah County Assessor
Bryce Armstrong, Community Development
Peggy Kelsey, Community Development
Brandon Larsen, Community Development
Dr. Joseph K. Miner, Health Department Exec. Director
Ralph Clegg, Utah County Health Department
Raven Albertson, Utah County Health Department
Toni Carpenter, Utah County Health Department
Eric Edwards, Utah County Health Department
Andrea Jensen, Utah County Health Department
Richard Nance, Drug&Alcohol Prevention&Treatment
Robert Johnson, Drug&Alcohol Prevention&Treatment
Valerie Meade, Drug&Alcohol Prevention &Treatment

Julie Rollins, Utah County Purchasing Agent
Richard Nielson, Utah County Public Works Director
Jeff Smith, Utah County Recorder
Andrea Allen, Utah County Recorder's Office
Mike Forshee, Utah County Sheriff's Office
Jay D. Lessley, Utah County Sheriff's Office
Dalene Higgins, Utah County Sheriff's Office
Gary Ratcliffe, Utah County Surveyor
Robert C. Kirk, Utah County Treasurer
James Gilbert, Gilbert and Stewart CPAs
Harold Mitchell, Attorney for Dan Williams et al
Ethan Shumway, Intermountain Healthcare
Steve Smoot, Intermountain Healthcare
Clinton Stephens, -No further information given-
Kathleen Stephens, -No further information given-
Mike Stansfield, Fairways Media
Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Witney called the meeting to order at 9:04 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Larry A. Ellertson, Utah County Commissioner

PLEDGE OF ALLEGIANCE: Jay D. Lessley, Utah County Sheriff's Office

Eager to recognize special guests in the audience, the commissioners chose to address Regular Agenda Item No. 1 first.

REGULAR AGENDA

1. PRESENTATION OF AWARDS FROM THE COALITION FOR TOBACCO-FREE UTAH TO INTERMOUNTAIN HEALTHCARE'S REGIONAL VICE PRESIDENT STEVE SMOOT AND REGIONAL DIRECTOR OF COMMUNICATIONS ETHAN SHUMWAY ON BEHALF OF OREM COMMUNITY HOSPITAL, AMERICAN FORK HOSPITAL AND UTAH VALLEY REGIONAL MEDICAL CENTER

Utah County Health Department Executive Director Dr. Joseph K. Miner came forward to present these awards to Intermountain Healthcare's Urban South Region. He noted that smoking is a major risk factor for preventable premature death. In 2008, Intermountain Healthcare adopted a policy to have tobacco-free campuses for all of their facilities. He introduced Andrea Jensen, Steve Smoot, and Ethan Shumway, all of whom were instrumental in incorporating this policy. They shared stories and expressed gratitude for the recognition. Raven Albertson of the Utah County Health Department who also serves on the Coalition for Tobacco-Free Utah, commented on the leadership of Intermountain Healthcare along with Utah Valley Chamber of Commerce President Val Hale.

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The commissioners moved forward with the agenda as numbered.

PUBLIC HEARING

**PUBLIC HEARING FOR THE PROPOSED AGRICULTURE PROTECTION AREA
SUBMITTED BY DKJN LTD. & KAREN KAY HANSEN ARGYLE THOMS, TRUSTEE,
FOR 193.57 ACRES LOCATED IN SECTION 21, TOWNSHIP 8 SOUTH, RANGE 1 EAST
AND SECTIONS 6 & 7, TOWNSHIP 8 SOUTH, RANGE 2 EAST, SLB&M, LAKESHORE
AREA (*Public Hearing set June 11, 2013*)**

Peggy Kelsey of the Utah County Community Development Office summarized that the area in question consists of ten parcels within the RA-5 zone on the Utah Lake shore. Harold Mitchell, the applicant's attorney, came forward to respond to Commissioner Ellertson's questions regarding the location and settlement boundary lines. Mr. Mitchell explained that the property is mostly pasture for greenbelt use - the intention is to keep it that way. They discussed water lines and the pending status of a separate court ruling. Ms. Kelsey mentioned that both the Utah County Planning Commission and the Utah County Agricultural Protection Advisory Board recommended approval by unanimous vote, and all required notices had been posted and distributed.

**Commissioner Ellertson made the motion to close the public hearing for the proposed
Agriculture Protection Area submitted by DKJN LTD. & Karen Kay Hansen Argyle
Thoms, Trustee for 193.57 acres as specified on the agenda. The motion was seconded by
Commissioner Anderson and carried with the following vote:**

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

CONSENT AGENDA

- 1. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE AIRCRAFT HULL & LIABILITY PROPOSAL OF INSURANCE PRESENTED BY AIS GALLAGHER AVIATION FOR COVERAGE FROM JULY 5, 2013 THROUGH JULY 5, 2014**

Commissioner Ellertson briefly commented on protection status "anywhere in the world" as specified within the proposal of insurance, and Jay Lessley of the Utah County Sheriff's Office clarified that the premium costs would not be altered by that wording.

- 2. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20285, DATED JUNE 18, 2013**
- 3. APPROVE REDUCING THE PENALTY IN THE AMOUNTS LISTED FOR THE ATTACHED PERSONAL PROPERTY ACCOUNTS, HAVING BEEN IDENTIFIED AS MEETING THE QUALIFICATIONS UNDER ORDINANCE NO. 2010-4 AND RESOLUTION NO. 2011-64 OF THE UTAH COUNTY CODE**
- 4. ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**
- 5. APPROVE RELEASE OF LIEN RECORDED AGAINST PARCEL SERIAL NO. 49:301:0032 AS ENTRY NO. 42449:2012 FOR DELINQUENT PROPERTY TAXES [AGREEMENT NO. 2012-341(A)]**

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6. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE UTAH COUNTY HEALTH DEPARTMENT

7. APPROVE THE MINUTES OF THE JUNE 18, 2013 COMMISSION MEETING

8. RATIFICATION OF WARRANT REGISTER SUMMARY

Register No. 591	June 17, 2013	Check Nos. 181722-181752	Total: \$	45,989.60
Register No. 592	June 17, 2013	Check Nos. 181753-181781	Total: \$	119,607.65
Register No. 593	June 17, 2013	Check Nos. 181792-181791	Total: \$	72,058.78
Register No. 594	June 18, 2013	Direct Deposit:17101-17111	Total: \$	2,857.27
Register No. 595	June 18, 2013	Check Nos. 181792-181814	Total: \$	26,895.96
Register No. 596	June 18, 2013	Direct Deposit:17112-17113	Total: \$	686.00
Register No. 597	June 18, 2013	Check Nos. 181815-181851	Total: \$	68,902.88
Register No. 598	June 18, 2013	Check Nos. 181852-181880	Total: \$	2,781.50
Register No. 599	June 19, 2013	Direct Deposit:17114-17114	Total: \$	35.87
Register No. 600	June 19, 2013	Check Nos. 181881-181888	Total: \$	7,787.79
Register No. 601	June 19, 2013	Direct Deposit:17115-17127	Total: \$	63,373.15
Register No. 602	June 19, 2013	Check Nos. 181889-181895	Total: \$	1,164.01
Register No. 603	June 20, 2013	Direct Deposit:17128-17128	Total: \$	47.20
Register No. 604	June 20, 2013	Direct Deposit:17129-17135	Total: \$	6,189.66
Register No. 605	June 20, 2013	Check Nos. 181896-181907	Total: \$	3,459.02
Register No. 606	June 20, 2013	Purchasing Cards 414-430	Total: \$	8,780.53
Register No. 607	June 20, 2013	Check Nos. 181908-181932	Total: \$	861,111.73
Register No. 608	June 21, 2013	Bond Wires:158-160	Total: \$	10,891.21
Register No. 609	June 21, 2013	Purchasing Cards 431-431	Total: \$	394.41
Register No. 610	June 21, 2013	Check Nos. 181933-181959	Total: \$	77,238.87
Register No. 611	June 21, 2013	Direct Deposit:17136-17136	Total: \$	47.20
Register No. 612	June 21, 2013	Check Nos. 181960-181965	Total: \$	67,032.10
Register No. 613	June 24, 2013	Check Nos. 181966-181987	Total: \$	48,746.90
Register No. 614	June 24, 2013	Direct Deposit:17137-17142	Total: \$	2,287.44
Register No. 615	June 24, 2013	Check Nos. 181988-182024	Total: \$	60,176.33
Total:				<u>\$1,558,543.06</u>

Consent Agenda Item Nos. 1 through 8 were approved as written. Commissioner Witney recommended the following Regular Agenda items be moved to Consent:

4. APPROVE OR DENY A REQUEST FROM THE UTAH VALLEY MARATHON TO WAIVE THE \$300 EVENT PERMIT FEE FOR USE OF THE HISTORIC COURTHOUSE GROUNDS ON JUNE 8, 2013 (Continued from the June 18, 2013 Commission meeting)

The commissioners requested that Regular Agenda Item No. 4 be continued to the next meeting of the Board.
CONTINUED TO JULY 2, 2013

8. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH DEPARTMENT OF HEALTH TO PROVIDE FUNDING FOR THE MEDICAL RESERVE CORPS AND THE PUBLIC HEALTH EMERGENCY PREPAREDNESS AND HOSPITAL PREPAREDNESS PROGRAMS

9. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH PROVO CITY FOR THE ANNUAL 5K RUN SPONSORED BY THE WELL4LIFE PROGRAM

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10. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH INTERCARE, LLC FOR MEDICATION MANAGEMENT SERVICES
11. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN ADDENDUM NO. 2 TO AGREEMENT NO. 2010-524 WITH HOUSE OF HOPE INC, EXTENDING THE CONTRACT AN ADDITIONAL YEAR AND UPDATING NON-MEDICAID AND MEDICAID RATES AND CPT CODES
12. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN ADDENDUM NO. 2 TO AGREEMENT NO. 2010-525 WITH INSTITUTE FOR COGNITIVE THERAPY, EXTENDING THE CONTRACT AN ADDITIONAL YEAR AND UPDATING MEDICAID RATES AND CPT CODES
13. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN ADDENDUM NO. 2 TO AGREEMENT NO. 2010-526 WITH LIFE ENHANCEMENT CENTER, EXTENDING THE CONTRACT AN ADDITIONAL YEAR AND UPDATING MEDICAID RATES AND CPT CODES
15. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN ADDENDUM NO. 2 TO AGREEMENT NO. 2010-528 WITH PROJECT REALITY, EXTENDING THE CONTRACT AN ADDITIONAL YEAR AND UPDATING MEDICAID RATES AND CRT CODES

ACTIONS TAKEN

Consent Agenda Item No. 1 was approved and authorized; Nos. 2, 3, 5, and 7 were approved; No. 4 was abated; No. 6 was adopted; and No. 8 was ratified. Regular Agenda Item No. 4 was continued to the July 2, 2013 meeting of the Board; and Nos. 8, 9, 10, 11, 12, 13, and 15 were approved and authorized.

AGREEMENT NOS.: 2013-439, 2013-440, 2013-441, 2013-442, 2013-443, 2013-444, 2013-445, 2013-446, 2013-447, 2013-448, 2013-449 and 2013-450

RESOLUTION NO.: 2013-71

REGULAR AGENDA

2. PRESENTATION OF 2012 AUDIT BY GILBERT AND STEWART, CERTIFIED PUBLIC ACCOUNTANTS AND ACCEPTANCE OF AUDIT BY UTAH COUNTY BOARD OF COMMISSIONERS

James Gilbert of Gilbert & Stewart, Certified Public Accountants, came forward to present the 2012 Audit for Utah County. He summarized the financial statements, mentioning that the county received the highest "clean" opinion possible and noting that there would be a later exit interview. He also mentioned changes in language from past years. Mr. Gilbert thanked the county employees for cooperation in providing documents and assistance, especially Financial Officer Danene Jackson in the Clerk/Auditor's Office. Commissioner Anderson commended the relationship of Gilbert & Stewart with the county, and Commissioner Witney echoed appreciation for Ms. Jackson's dedication.

Commissioner Ellertson made the motion to accept the 2012 Audit by Gilbert and Stewart, CPA as detailed in Regular Agenda Item No. 2. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

AGREEMENT NO. 2013-451

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3. **ACCEPT, ACCEPT AND MODIFY, OR REJECT THE PROPOSED AGRICULTURE PROTECTION AREA SUBMITTED BY DKJN LTD & KAREN KAY HANSEN ARGYLE THOMS, TRUSTEE, FOR 193.57 ACRES LOCATED IN SECTION 21, TOWNSHIP 8 SOUTH, RANGE 1 EAST AND SECTIONS 6 & 7, TOWNSHIP 8 SOUTH, RANGE 2 EAST, SLB&M, LAKESHORE AREA OF UTAH COUNTY; AND IF APPROVED, SIGN THE "NOTICE OF CREATION"**

Commissioner Anderson made the motion to accept the proposed Agriculture Protection Area submitted by DKJN LTD & Karen Kay Hansen Arcgyle Thoms, Trustee, for 193.57 acres as described in Regular Agenda Item No. 3. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

AGREEMENT NO. 2013-452

Utah County Deputy Attorney David Shawcroft noted for the record that the Findings of Fact, Conclusions of Law, and Decision regarding this application's approval would be forthcoming on a Commission meeting agenda.

5. **APPROVE OR DENY A REQUEST FROM COSTCO TO WAIVE THE REQUIREMENTS OF SECTION 1.6.A OF THE UTAH COUNTY FACILITY USE POLICY AND ALLOW THEM TO CONDUCT MARKETING ACTIVITIES IN THE LOBBIES OF THE PUBLIC WORKS BUILDING, THE ADMINISTRATION BUILDING, AND THE HEALTH AND JUSTICE BUILDING ON THURSDAY, JUNE 27, 2013**

Commissioner Witney commented on the past approval of similar activities on county facilities.

Commissioner Ellertson made the motion to approve the request from Costco to waive the requirements of Section 1.6.A of the Utah County Facility Use Policy for use of buildings on Thursday, June 27, 2013 as identified in Regular Agenda Item No. 5. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

AGREEMENT NO. 2013-453

6. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A FEE WAIVER FOR UTAH INSURANCE DEPARTMENT COMMISSIONER TODD KISER TO RENT A CONFERENCE ROOM IN THE HEALTH AND JUSTICE BUILDING ON JULY 16, 2013**

Commissioner Ellertson made the motion to sign a fee waiver for Utah Insurance Department Commissioner Todd Kiser to rent a conference room in the Health and Justice Building on July 16, 2013 as described in Regular Agenda Item No. 6, with the finding that the benefit to the community exceeds the monetary fees in fair and adequate consideration to the county. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

AGREEMENT NO. 2013-454

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7. APPROVE AND AUTHORIZE RATIFY THE COMMISSION CHAIR TO SIGN A COOPERATIVE AGREEMENT BETWEEN THE STATE OF UTAH - DIVISION OF FORESTRY, FIRE, AND STATE LANDS AND UTAH COUNTY TO MECHANICALLY TREAT 260 ACRES OF PHRAGMITES AROUND UTAH LAKE

Utah County Public Works Director Richard Nielson noted that the agreement had already been signed by the Commission Chair, and should therefore be “ratified” rather than “approved and authorized” as noticed.

Commissioner Anderson made the motion to ratify the cooperative agreement with the State of Utah - Division of Forestry, Fire, and State Lands to mechanically treat 260 acres of Phragmites around Utah Lake as described in Regular Agenda Item No. 7. The motion was seconded by Commissioner Ellertson, and discussion continued.

Richard Nielson spoke of costs for the control program, and Commissioner Anderson expressed appreciation for the cooperation between levels of government in addressing the Phragmites problem. Commissioner Anderson noted the massive improvement in a project initially heavy with skepticism. Mr. Nielson agreed, and mentioned goals for the program.

The motion carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

AGREEMENT NO. 2013-455

14. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN ADDENDUM NO. 2 TO AGREEMENT NO. 2010-527 WITH NEW ROADS FOUNDATION, EXTENDING THE CONTRACT AN ADDITIONAL YEAR AND UPDATING MEDICAID RATES AND CPT CODES

Commissioner Ellertson pointed out that a cap for the fee schedule was not included with this addendum as it had been for the other similar agreements on today’s agenda. Utah County Department of Drug and Alcohol Prevention and Treatment Director Richard Nance approached the bench with Finance Deputy Director Robert Johnson to respond, and suggested clarifying that issue before approving the item.

Commissioner Anderson made the motion to continue Regular Agenda Item No. 14 regarding Addendum No. 2 to Agreement No. 2010-527 with New Roads Foundation to the July 2, 2013 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

CONTINUED TO JULY 2, 2013

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

**17. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION
STRICKEN**

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- 18. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY**

STRICKEN

- 20. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED**

STRICKEN

Commissioner Ellertson made the motion to strike Regular Agenda Item Nos. 17, 18 and 20 to set dates, times and locations for closed meetings for a strategy session to discuss pending or reasonably imminent litigation; for a strategy session to discuss the purchase, exchange, or lease of real property; and to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

- 16. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS**

Commissioner Ellertson made the motion to set a date, time and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals to immediately follow the public comment portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

SET

- 19. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY**

Commissioner Ellertson made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the sale of real property to immediately follow the previously scheduled closed meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

There were no public comments at this time, and the meeting recessed at 9:44 A.M. to go into closed meetings. The public meeting reconvened at 10:31 A.M., at which point Commissioner Ellertson wished to comment before adjourning the session.

Commissioner Ellertson noted that he had received a call of appreciation on certain B roads within the county, and was forwarding the compliment on to the Utah County Public Works Department. Director Richard Nielson thanked him for the recognition.

This concluded the open meeting.

Commissioner Ellertson made the motion to adjourn the June 25, 2013 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Anderson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

There being no further business nor public comment, the meeting adjourned at 10:32 A.M. The minutes of the June 25, 2013 Commission Meeting were approved as transcribed on July 2, 2013.

DOUG WITNEY, Commission Chair

ATTEST:

SCOTT C. HOGENSEN
Chief Deputy
Utah County Clerk/Auditor